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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,775	03/10/2004	Maureen R. Putt	998-928	4153
20792	7590	03/16/2005	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			ENGLE, PATRICIA LYNN	
			ART UNIT	PAPER NUMBER

3612

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/797,775

Applicant(s)

PUTT ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 6, 29-32, 34, 36 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider et al. (US Patent 6,102,464).

Regarding claims 1 and 36, Schneider et al. disclose a vehicle floor mat (60), comprising: a pliable layer (42) configured to overlies an area of a vehicle floor (14); and a rigid member (36,38,40) attached to a portion of the pliable layer (42), wherein the rigid member (36,38,40) has a width sufficient to span a recessed portion (12) in the vehicle floor area such that the pliable layer (42) is rendered substantially non-pliable above the recessed portion (12), and such that the floor mat (16) is self supporting and can independently support a load placed thereon above the recessed portion, without any external support from within the recessed portion.

Regarding claim 2, Schneider et al. disclose the vehicle floor mat of Claim 1, wherein the rigid member (36,38,40) is at least partially disposed within the pliable layer (42,44, column 2, line58-59).

Regarding claim 3, Schneider et al. disclose the vehicle floor mat of Claim 1, wherein the rigid member (36,38,40) comprises material selected from the group consisting of thermoplastic and thermosetting polymers (column 2, line 60-63), glass reinforced thermoset rubber, glass reinforced polypropylene, wood (column 3, line 27 and column 2, line 52-53), and metal.

Regarding claim 4, Schneider et al. disclose the vehicle floor mat of Claim 1, wherein the pliable layer (42) comprises material selected from the group consisting natural and synthetic polymers (column 2, line 53).

Regarding claim 6, Schneider et al. disclose the vehicle floor mat of Claim 1, wherein the pliable layer (42) has opposite first and second surfaces, and wherein carpeting (42) is disposed on the pliable layer first surface (carpeting contains a flexible sheet to which the carpet fibers are attached).

Regarding claims 29 and 39, Schneider et al. disclose a vehicle floor mat (16), comprising: a pliable layer (42) configured to overlie an area of a vehicle floor (14); and a plurality of adjacent, spaced-apart rigid members (36,38,40) attached to the pliable layer (42), wherein each rigid member (36,38,40) has a width sufficient to span a recessed portion (12) in the vehicle floor area such that the pliable layer (42) is rendered substantially non-pliable above the recessed portion, and such that the floor mat can support a load placed thereon above the recessed portion.

Regarding claim 30, Schneider et al. disclose the vehicle floor mat of Claim 29, wherein the rigid member (36,38,40) is at least partially disposed within the pliable layer (42,44, column 2, line 58-59).

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Regarding claim 31, Schneider et al. disclose the vehicle floor mat of Claim 29, wherein each rigid member (36,38,40) comprises material selected from the group consisting of thermoplastic and thermosetting polymers, glass reinforced thermoset rubber, glass reinforced polypropylene, wood (column 3, line 27 and column 2, lines 52-53), and metal.

Regarding claim 32, Schneider et al. disclose the vehicle floor mat of Claim 29, wherein each pliable layer (42) comprises material selected from the group consisting of natural and synthetic polymers (column 3, line 27).

Regarding claim 34, Schneider et al. disclose the vehicle floor mat of Claim 29, wherein the pliable layer (42+) has opposite first (Fig. 1) and second (Fig. 2) surfaces, and wherein carpeting (carpeting contains a flexible sheet to which the carpet fibers are attached) is disposed on the pliable layer first surface.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5, 7-28, 33, 35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al..

Regarding claims 7, 15, 18-20, 22, 28, and 35, Schneider et al. do not disclose that the rigid member comprises a plurality of spaced-apart apertures formed therethrough. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a plurality of spaced-apart apertures formed in the rigid members. The motivation would have been to reduce the weight of the floor mat which in turn would reduce the weight of the vehicle and would therefore increase the fuel efficiency of the vehicle.

Regarding claims 8 and 38, Schneider et al. disclose the vehicle floor mat of Claim 1. Schneider et al. do not disclose that the pliable layer is comprised of a first and second pliable layer. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the pliable layer out of a plurality of pliable layers as it would merely involve the alternate utilization of an equivalent living hinge means to achieve the same exact function.

Regarding claims 9 and 23, Schneider et al. disclose the vehicle floor mat wherein a second rigid member (62) is attached to the second pliable layer, and wherein the second rigid member (62) has a width configured to span a second recessed portion (12) in the vehicle floor area such that the floor mat (60) can support a load placed thereon above the second recessed portion.

Regarding claim 10 and 37, Schneider et al. disclose the vehicle floor mat, wherein the rigid member (36,38,40) is at least partially disposed within the pliable layer (42,44, column 2, line58-59). Regarding claims 12 and 25, Schneider et al. disclose the vehicle floor mat wherein the

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second pliable layer (65) comprises material selected from the group consisting of natural and synthetic polymers. Regarding claim 14, Schneider et al. disclose the vehicle floor mat of Claim 8, wherein the second pliable layer (78) has opposite first (Fig. 1) and second (Fig. 2) surfaces, and wherein carpeting (62) is disposed on the second flexible member (78) first surface (Fig. 1). Regarding claim 16, Schneider et al. disclose the vehicle floor mat of, wherein the second pliable layer (65) is pivotally secured to the peripheral edge via a hinge (70). Regarding claims 17 and 27, Schneider et al. disclose the vehicle floor mat of, wherein the hinge comprises carpeting (Fig. 1) disposed on the first and second pliable layers.

Regarding claims 11 and 24, Schneider et al. disclose the vehicle floor mat of Claim 9, wherein the second rigid member comprises material selected from the group consisting of thermoplastic and thermosetting polymers, glass reinforced thermoset rubber, glass reinforced polypropylene, wood (column 2, lines 53-55), and metal.

Regarding claims 5, 13, 21, 26, and 33, Schneider et al. do not disclose specifically disclose that the pliable layer includes rubber. It would have been obvious to one of ordinary skill in the art at the time of the invention to include rubber in the pliable layer. The motivation would have been to provide cushioning to the floor mat to protect the floor of the vehicle and the items being placed on the floor mat from damage.

### *Response to Arguments*

7. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

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8. Applicant's arguments filed March 4, 2005 have been fully considered but they are not persuasive. The Applicant argues that Schneider et al. disclose a support for resting on the spare tire. Although the Examiner agrees that the Schneider et al. disclose the support 80 for the second embodiment, Schneider et al. do not disclose the support for the first embodiment. Regarding the Applicant's argument that Schneider et al. do not teach that the floor panel can be made of a material that reduces the weight. The Examiner points to column 2, lines 60-65 in which Schneider discloses that the panels could be made of plastic. Therefore it also would have been obvious to include a plurality of apertures to reduce the weight. Regarding the argument that Schneider does not teach a reversible floor mat, the Applicant points to column 2, lines 58-59).

### *Conclusion*

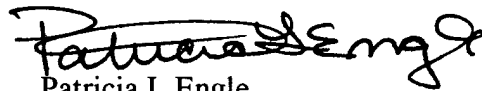
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:30. After April 5, the Examiner can be reached at (571) 272-6660.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle  
Primary Examiner  
Art Unit 3612

ple  
March 10, 2005